

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 4/25/2024

In re:

03-MD-01570 (GBD)(SN)

**TERRORIST ATTACKS ON  
SEPTEMBER 11, 2001**

**ORDER**

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**SARAH NETBURN, United States Magistrate Judge:**

This document relates to:

Ashton, et al. v. Al Qaeda Islamic Army, et al., No. 02-cv-06977

Plaintiffs in Ashton, et al. v. Al Qaeda Islamic Army, et al., No. 02-cv-06977 (the “Ashton Plaintiffs”), move to amend their complaint under Federal Rule of Civil Procedure 15 to add plaintiffs with claims against the Taliban. ECF No. 9696.<sup>1</sup>

Federal Rule of Civil Procedure 15(a)(2) permits a party to amend its complaint with the court’s leave and directs courts to “freely give leave when justice so requires.” Id. The decision to permit amendment is committed to the discretion of the court, McCarthy v. Dun & Bradstreet Corp., 482 F.3d 184, 200 (2d Cir. 2007), but granting “leave to amend is the ‘usual practice,’” Bank v. Gohealth, LLC, No. 21-cv-1287, 2022 WL 1132503, at \*1 (2d Cir. Apr. 18, 2022) (quoting Hayden v. Cnty. of Nassau, 180 F.3d 42, 53 (2d Cir. 1999)). Amendment should be permitted “[i]n the absence of any apparent or declared reason—such as undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party by virtue of allowance of the amendment, futility of the amendment, etc.” Foman v. Davis, 371 U.S. 178, 182 (1962).

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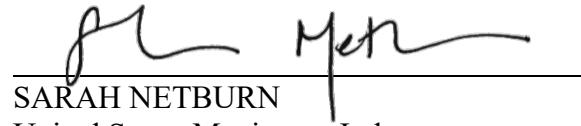
<sup>1</sup> Unless otherwise noted, all ECF numbers refer to the main MDL docket, No. 03-md-01570.

The Ashton Plaintiffs' claims are not futile, will not unduly delay these proceedings or prejudice the Taliban, and were not filed in bad faith or with a dilatory motive. Their motion is therefore GRANTED, and it is further ORDERED that:

- The Ashton Plaintiffs' Sixth Amended Complaint, ECF No. 1463, is amended to include the individuals identified in the exhibit at ECF No. 9699-1 as parties in the action against the Taliban;
- These amendments supplement, but do not displace, the Ashton Plaintiffs' Sixth Amended Complaint, ECF No. 1463;
- Prior rulings, orders, and judgments entered in this case remain in effect as to all parties; and
- Further service on the Taliban is not required as a result of these amendments, and prior service orders apply, including the Court's orders on service by publication at ECF No. 445.

The Clerk of Court is respectfully directed to terminate the motion at ECF No. 9696 and the related motion at ECF No. 2045 in Ashton, No. 02-cv-06977.

**SO ORDERED.**



SARAH NETBURN  
United States Magistrate Judge

DATED: April 25, 2024  
New York, New York